TAQLEED SHAKSI

Question

What is the proof of taqleed shaksi i.e. that you have to follow ONLY one scholar/imam. There are verses and ahaadith from which taqleed in general can be proven, but I need some evidences that prove that you can't follow more than one person. You may say that doing so will mean following your desires, but what if one is following an opinion of a mujtahid on a perticular issue because his ruling is easier to follow. Why is that not allowed. Doesn't it come about the Prophet (S.A.W.) that whenever he would have to choose between two different things he would choose the easier one? This is an argument that Sh. Zuhaili uses in his Al-Fiqhul Islaami page 94. He says one that page ,"And the majority of scholars say that it is not compulsory to follow one particular Imam on every mas'ala, rather it is allowed for him to follow any Mujtahid he wants... Because there is nothing wajib except what Allah makes and his messenger make wajib and Allah and his messenger did not make it wajib to follow one particular Madhab. He only made wajib to follow scholars without specifying just one. Also the people who asked about rulings did not stick to one person or madhab, instead they used to ask anyone who is available.... This opinion is the preferred one according to the scholars of Usool.

Answer

In the name of Allah, Most Gracious, Most Merciful

Assalaamu `alaykum waRahmatullahi Wabarakatuh

You have correctly indicated in your query that had *taqlid* not been constricted to only one school of thought, the general masses would conveniently practice on only the easiest rulings of each school. At times, this would lead them to abandon all four schools concurrently on one act. This would inevitably lead to contradictions and errors and will ultimately lead to introducing a new school which is based on carnal desires and opposes the practices of our pious predecessors. A famous example given is, that suppose a person performs *wudu*, and thereafter gets cut on his finger which causes him to bleed. According to the Hanafi 'Ulama,, his *wudu* is broken, whereas according to the Shafi' 'Ulama his *wudu* is still intact. In order to avoid making *wudu*, he takes the Shafi' view on this matter. This man then touches his wife with desire; according to the Shafi' opinion his *wudu* is broken, whereas according to the Hanafi school of thought his *wudu* is still perfect. Seeing that the Hanafi view is easier on this issue, he chooses to follow that school of thought. He thereafter consumes camel meat which nullifies his *wudu* according to the Hanbali School. He finds that there is more ease in following the view of those who say that camel meat does not invalidate one's *wudu* and therefore chooses to follow their view. Thereafter, he stands up to perform prayers. It is clear that according to the vast majority of Scholars his prayer will not be valid. His worship will be based more on human ego rather than Qur'an and Hadith and his entire *deen* will be unsystematic. It is precisely for this reason that Mawlana Ashraf 'Ali Thanwi (may Allah Ta'ala be pleased with him) stated, "Our *deen* is systemized through *taqlid*." *(Ashraf al-Jawab, 161)*

Numerous Scholars spoke of the impermissibility of not making *taqlid*, and warned of the harms which occur by freely choosing different verdicts from each Madhhab.

'Allama Kiranwi (may Allah Ta'ala be pleased with him) mentioned, "If (leaving one's Madhhab for another) is due to (the layman) finding a defect in the forsaken Madhhab, then he is not qualified (to make this judgment). If it is due preference, then again he is not qualified. There exists no reason to change *madhhabs* except following one's desires or a thing which is not relied upon. Therefore, it is not permissible (to change *madhhabs*) especially when this action will open the doors of following one's desires and ego. *(Muqaddima 'Ila al-Sunan 84 Idarat al-Qur'an)*

Ma'mar (may Allah Ta'ala be pleased with him) said, "If a man took the opinion of the people of Madinah with regards to music and anal intercourse; the opinion of the people of Makkah regarding Mut'ah (temporary marriage) and the opinion of the people of Kufa regarding intoxicating drinks, he would be the worst of Allah's servants." *(The Legal Status of Following a Madhhab by Mufti Taqi Usmani, p. 54 ZamZam Publishers with reference to "Iqd al-Jeed p.62)*

Likewise, Sulayman al-Taymi (may Allah Ta'ala be pleased with him) has said, "If you practice on the concessions of every Scholar, then every evil will be gathered in you."

Hafiz Ibn 'Abd al-Barr (may Allah Ta'ala be pleased with him) comments on the above statement of Sulayman al-Taymi saying, "There is a consensus on this. I am not aware of any opposing view to it." *(Adab al-Ikhtilaf p. 134 Dar al-Usr)*

Similarly, Shah Waliullah (may Allah Ta'ala be pleased with him) wrote, "You should know that people – during the first two hundred years – were not restricted to follow one particular Imam. During the third century, the concept of following one particular Imam emerged. There were very few scholars who did not rely upon the opinion of a single Mujtahid and Imam. This was the necessary approach for them at that time." *(The Legal Status of Following a Madhhab by Mufti Taqi Usmani p. 57 Zamzam Publishers, with reference to "Al-Insaaf fi bayan sabab ikhtilaf 57/59)*

Shaykh Ibn Taymiyya also spoke of the need to follow only one school of thought. Speaking of the harms of following many schools at one time he said:

فيكونون في وقت يقلدون من يفسده وفي وقت يقلدون من يصححه بحسب الغرض والهوى ومثل هذا لا يجوز باتفاق الأمة – مجموعة الفتاوى (66/32) دار الوفاء

"They follow – at one point in time – those scholars who see the marriage as void and at another point of time, they follow those scholars who say that the marriage is still intact merely because of vested interest and desires. This kind of practice is not allowed according to the unanimous opinion of the *Umma*."

[Note – these statements are in direct contrast to the statement which you have quoted from Shaykh Wahba Zuhali.]

Furthermore, a prominent Saudi Scholar, Shaykh Uthaymin has also condemned the practice of seeking a verdict from many Scholars in order to practice on the easiest view. He says:

أن العلماء قالوا إن تتبع الرخص من الفسق والعياذ بالله والمتتبع للرخص فاسق حتى إن بعضهم قال: إن من تتبع الرخص فقد تزندق أي صار زنديقا فعلى الإنسان إذا بلغه أمر الله ورسوله من شخص يثق به في علمه وفي دينه ألا يتردد، وأقول في علمه ودينه لأن من الناس من هو دين ملتزم متق لكن ليس عنده علم، تجده يحفظ حديثا من أحاديث الرسول ثم يقوم يتكلم في الناس وكأنه إمام من الأئمة، وهذا يجب الحذر منه ومن فتاواه، لأنه قد يخطئ كثيرا لقلة علمه ومن الناس من يكون عنده علم واسع لكن له هوى والعياذ بالله، يفتي الناس بما يرضى الناس لا بما يرضي الله، وهذا يسمى عالم الأمة (895/1) المكتبة الشاملة

"The 'Ulama mention that following leniencies in *fisq* (open transgression) – May Allah protect us. The one who follows these leniencies is a transgressor, to such an extent that some Scholars mentions that the one who follows leniencies loses his religion. It is compulsory on a person that when he verdict of a scholar who he trusts in his knowledge and religion reaches him, he should not doubt it…*(Sharah Riyad al-Salihin)*

From the above mentioned quotes we understand that by choosing that which is easy from every Madhhab, a person is in reality making his ego the yardstick for practicing on *deen*. He will only be practicing on that which is in conformity with his personal desires. On the contrary, by adhering to one Madhhab, he is in reality practicing on the Qur'an and Hadith as presented to us by the 'Ulama of the past fourteen centuries who had dedicated their lives to thoroughly scrutinize every *masala* and ensure that it confirms with the Qur'an and Hadith.

The objection could be raised that during the early times of Islam, the layman would ask any scholar for verdicts and not adhere rigidly to only following one scholar. To this, Faqih al-*Umma*, Mufti Mahmud al-Hasan had replied, "In those times only good was common. The lowly self did not have any influence in matters of *Deen*. Whoever referred to a scholar regarding any issue, used to do so sincerely and would act upon the verdict given to him whether it was to his benefit or not. Later, piety and sincerity to that degree did not remain amongst the people. People began to ask scholars for verdicts, and if it did not suit them, they would refer the same issue to another scholar until they found a verdict that suited their desires."

As for the proofs of *taqlid shakhsi*, Mawlana Ashraf 'Ali Thanwi has said, "There is no need to present any proofs with regards to *taqlid* shasksi (because it is compulsory due to external factors.) (And when something is compulsory due to external factors), then it itself is not emphasized; however those things which are emphasized in the Qur'an and Hadith usally cannot be practiced upon without it. Therefore, it is also deemed necessary. The pre-necessities of an obligatory is also obligator ." *(Tuhfat al-'Ulama 2/291)*

Hence, the prohibition of following one's ego is emphatically phobitied in the Qur'an and Hadith. By necessity, it will be prohibited to follow the concession of different scholars. Consider the following verses:

أَرَأَيْتَ مَنِ اتَّخَذَ إِلَهَهُ هَوَاهُ أَفَأَنْتَ تَكُونُ عَلَيْهِ وَكِيلًا

Tell me about the one who has taken his desire as his god, would you then, become a guardian for him?(Al-Furqan 43)

أَفَرَأَيْتَ مَنِ اتَّخَذَ إِلَهَهُ هَوَاهُ وَأَضَلَّهُ اللَّهُ عَلَى عِلْمٍ وَخَتَمَ عَلَى سَمْعِهِ وَقَلْبِهِ وَجَعَلَ عَلَى بَصَرِهِ غِشَاوَةً فَمَنْ يَهْدِيهِ مِنْ بَعْدِ اللَّهِ أَفَلَا تَذَكَّرُونَ

So, have you seen him who has taken his desires as his god, and Allah has let him go astray, despite having knowledge, and has sealed his ear and his heart, and put a cover on his eye? Now who will guide him after Allah? Still, do you not take lesson? (Al-Jathiya 23)

Hereunder are a few examples of *talqid shakshi* established from Hadith:

حدثنا إبراهيم بن إسماعيل بن يحيى بن سلمة بن كهيل حدثني أبي عن أبيه عن سلمة بن كهيل عن أبي الزعراء عن ابن مسعود قال : قال رسول الله صلى الله عليه و سلم افتدوا باللذين من بعدي من أصحابي أبي بكر و عمر... قال هذا حديث حسن غريب من هذا الوجه من حديث ابن مسعود لا نعرفه إلا من حديث يحيى بن سلمة بن كهيل – سنن الترمذى (672/5) دار إحياء التراث العربي

Nabi (Sallallahu 'Alayhi Wasallam) has said, "Follow my two companions after me, i.e. Abu Bakr and Umar." (Tirmidhi 5/672)

The abovementioned hadith shows that Nabi (Sallallahu 'Alayhi Wasallam) commanded the laymen of the Sahaba to follow the verdicts of Abu Bakr (Radiyallahu 'Anhu) during his period of rule and only Umar (Radiyallahu 'Anhu) during his period of rule.

There are also examples proven in the golden era where the general masses held rigidly on the views of one scholar. The following is mentioned in *Sahih al-Bukhari*:

حدثنا أبو النعمان حدثنا حماد عن أيوب عن عكرمة : أن أهل المدينة سألوا ابن عباس رضي الله عنهما عن امرأة طافت ثم حاضت قال لهم تنفر قالوا لا نأخذ بقولك وندع قول زيد قال إذا قدمتم المدينة فسلوا فقدموا المدينة فسألوا فكان فيمن سألوا أم سليم فذكرت حديث صفية رواه خالد وقتادة عن عكرمة – صحيح البخاري (625/2) دار ابن كثير ، اليمامة

The people of Madina asked Ibn Abbas the ruling of a woman who makes (her first tawaf) of the Ka'ba and thereafter experiences her menses (before she can make her final tawaf.) Ibn Abbas told them that she may go home without completing her final tawaf. The people of Madina said, "We will not follow your verdict and abandon the verdict of Zayd." Ibn Abbas replied, "When you reach Madina then enquire from him…" (Al-Bukhari 2/625)

The above narration clearly indicates how strictly the people of Madina held on to the verdict of Zayd (Radiyallahu 'Anhu). Also note that they did not ask for any proofs. They knew that weighing the proofs of the various scholars is not the work of a layman.

Another proof of *taqlid shakhsi* is that Nabi (Sallallahu 'Alayhi Wasallam) sent many Sahaba to different areas to teach them *deen*. It is obvious that people of those areas restricted themselves only to the views of that Sahabi. An example of this is the following narration of *Sahih al-Bukhari*:

حدثني محمود بن غيلان حدثنا أبو النضر حدثنا أبو معاوية شيبان عن أشعث عن الأسود بن يزيد قال : أتانا معاذ بن جبل باليمن معلما وأميرا فسألناه عن رجل توفي وترك ابنته وأخته فأعطى الابنة النصف والأخت النصف – صحيح البخاري (6/2477) دار ابن كثير ، اليمامة

Aswad bin Yazid (Radiyallahu 'Anhu) narrates, "Mu'adh (Radiyallahu 'Anhu) came to use in Yemen as a teacher and leader. We questioned him regarding a man who had passed away leaving (as his her heir) a daughter and a sister. He gave half the estate for the daughter and half for the sister. (Al-Bukhari 6/2477)

Here again, they did not enquire from any other scholar nor did they demand any proof.

In fact, Sahaba strongly exhorted the masses to make *taqlid shakhsi*. In *Sahah al-Bukhari* it is mentioned that Abu Musa (Radiyallahu 'Anhu) told the people:

...فقال لا تسألوني ما دام هذا الحبر فيكم – صحيح البخاري (6/2477) دار ابن كثير ، اليمامة

"…Do not ask me as long as this erudite scholar ('Abdullah ibn Masud) is present amongst you." (Sahih al-Bukhari 6/2477)

Coming to the hadith you quoted in your query, the exact wording of it is as follows:

حدثنا عبد الله بن يوسف أخبرنا مالك عن ابن شهاب عن عروة بن الزبير عن عائشة رضي الله عنها أنها قالت : ما خير رسول الله صلى الله عليه و سلم بين أمرين إلا أخذ أيسرهما ما لم يكن إثما فإن كان إثما كان أبعد الناس منه وما انتقم رسول الله صلى الله عليه و سلم لنفسه إلا أن تنتهك حرمة الله فينتقم لله بها – صحيح البخاري (3/1306) دار ابن كثير ، اليمامة

"Never was Nabi (Sallallahu 'Alayhi Wasallam) given a choice between two matters except that he would chose the easier of the two as long as it was not a sin. If it was a sin, then He (Sallallahu 'Alayhi Wasallam) would be the furthest from it…" (Sahih al-Bukhari 3/2477)

The famous Maliki Jurist and Hadith commentator, 'Allama Abu al-Walid al-Baji (may Allah Ta'ala be pleased with him) writes:

قول عائشة رضي الله عنها ما خير رسول الله صلى الله عليه وسلم بين أمرين إلا اختار أيسرهما يحتمل أن يريد بذلك ما خيره الله عز وجل بين أمرين من الأعمال مما يكلفه أمته إلا اختار أيسرهما وأرفقهما بأمته ، ويحتمل أن يريد ما خيره الله تعالى بين عقوبتين يتزلهما بمن عصاه وخالفه إلا اختار أيسرهما ، ويحتمل أن يريد بذلك ما خيره أحد من أمته ممن لم يدخل في طاعته ولا آمن به بين أمرين كان في أحدهما موادعة ومسالمة وفي الآخر محاربة أو مشاقة إلا اختار ما فيه الموادعة ، وذلك قبل أن يؤمر بالمجاهدة ومنع الموادعة ، ويحتمل أن يريد به جميع أوقاته ، وذلك بأن يخيره بين الحرب وأداء الجزية فإنه كان يأخذ بالأيسر فقبل منهم الجزية ، ويحتمل أن يريد به أن أمته المؤمنين لم يخيروه بين التزام الشدة في العبادة وبين الأخذ بما يجب عليهم من ذلك إلا اختار لهم أيسرهما رفقا بهم ونظرا لهم وخوفا أن يكتب عليهم أشقهما فيعجزوا عنها – المنتقى شرح الموطأ (4/286)

"…It is possible that the meaning is Allah never gave Nabi (Sallallahu 'Alayhi Wasallam) a choice between two actions which the followers of his umma were imposed with, except that he would choice the easier of the two and the more considerate for his umma. It can also mean that Allah did not give him a choice between two punishments that would come upon the disobeyers and those that go against him except that he would choice the easier of the two. It can

also have the meaning that never did a person who has not entered his obedience and has not brought faith in him give him an option of two things; one being a peace and truce and the other being war and hardship except that he would choose that which has peace in it. This was before he (Sallallahu 'Alayhi Wasallam) was given the command of war and not to make truce. It can also have the meaning that his umma never gave him the option of making extreme amounts of worship obligatory or only what is compulsory upon them, except that he would choose the easier of the two due to having mercy for them and for fear that a thing which is difficult might be obligatory for which they will not be able to fulfill. (Al-Muntaqa Sharah al-Muwwata 4/286)

It is also possible that this choice was reserved only for Nabi (Sallallahu 'Alayhi Wasallam) due to him being saved from acting according to his desires. As for the rest of the *umma*, they should choose that which is closer to piety. This is corroborated by a hadith which has been narrated by Ibn Abi Shayba (may Allah Ta'ala be pleased with him.)

حدثنا وكيع , عن سفيان , عن عمار , عن سالم , عن ابن مسعود , قال : قال رسول الله صلى الله عليه وسلم : ابن سمية ما خير بين أمرين إلا اختار أرشدهما – المصنف لابن أبي شيبة

Ibn Mas'ud (Radiyallahu 'Anhu) narrates that Rasulullah (Sallallahu 'Alayhi Wasallam) said, "Ibn Sumayya is never given a choice exept he choose the one closes the one closer to piety." (Al-Mussannaf of Ibn Abi Shayba 17/199 Al-Majlis al-'Ilmi)

A similar narration appears *in Sunan al-Tirmidhi* and *Al-Mustadrak* of Imam Hakim wherein Nabi (Sallallahu 'Alayhi Wasallam) praised 'Ammar (Radiyallahu 'Anhu):

حدثنا القاسم بن دينار الكوفي حدثنا عبيد الله بن موسى عن عبد العزيز بن سياه كوفي عن حبيب بن أبي ثابت عن عطاء بن يسار عن عائشة قالت : قال رسول الله صلى الله عليه و سلم ما خير عمار من أمرين إلا اختار أرشدهما روها الترمذي و قال قال هذا حديث حسن غريب لا نعرفه إلا من هذا الوجه من حديث عبد العزيز بن سياه وهو شيخ كوفي – سنن الترمذي (668/5) دار إحياء التراث و رواه الحاكم في مستدركه سكت عنه الذهبي في التلخيص

'Aysha (Radiyallahu 'Anha) narrates that Rasulullah (Sallallahu 'Alayhi Wasallam) said, "'Ammar does not choose between two matters except that he chooses the one closer to piety." (Sunan al-Tirmidhi and Al-Mustadrak of Hakim)

[Note – In some copies of *Sunan al-Tirmidhi* the words **اشدهما** appear instead of **ارشدهما**. The meaning of the hadith then would be, "When 'Ammar is given a choice between two things, he would choose the more difficult action." This narration also appears in *Sunan al-Kubra* of Imam Nasa'i.

Another possible interpretation of the narration is that this choice is exclusive to those who are responsible of issuing verdicts (i.e. *mujtahids*). Thus, Nabi (Sallallahu 'Alayhi Wasallam) mentioned to Abu Musa and Mu'adh bin Jabal (Radiyallahu 'Anhum) when sending them as governors and teachers to Yemen:

حدثنا موسى حدثنا أبو عوانة حدثنا عبد الملك عن أبي بردة قال : بعث رسول الله صلى الله عليه و سلم أبا موسى ومعاذ بن جبل إلى اليمن قال وبعث كل واحد منهما على مخلاف قال واليمن مخلافان ثم قال (يسرا ولا تعسرا وبشرا ولا تنفرا) – صحيح البخاري (1578/4) دار ابن كثير ، اليمامة

"…Make ease and not difficulty, give good nice and do not frieghten them." (Sahah al-Bukhari (4/1578)

Therefore, Nabi (Sallallahu 'Alayhi Wasallam) has already chosen that which is easier and more convenient for the *umma*. There are numerous examples of this in Shari'a; to make *masah* on *khufayn* and *jawrabayn*, *qasr* in salat for a traveler, the permissibility for the sick to sit and pray, etc are just a few examples. IT is precisely for this reason that *siwak* is not compulsory for every *wudu*.

وقال أبو هريرة عن النبي صلى الله عليه و سلم (لولا أن أشق على أمتي لأمرهم بالسواك عند كل وضوء) – رواه البحاري تعليقا (682/2) دار ابن كثير ، اليمامة

"Had I not feared it will be difficult on my umma, I would have commanded them to use siwak for every Salat." (Sahih al-Bukhari Ta'liqan 2/682)

يجوز لغير عامي من الفقهاء المقلدين تقليد غير الأربعة في العمل لنفسه إن علم نسبته لمن يجوز تقليده وجمع شروطه عنده لكن بشرط أن لا يتتبع الرخصة بأن يأخذ من كل مذهب الأهون بحيث تنحل ربقة التكليف من عتقه وإلا لم يجز خلافا لابن عبد السلام حيث أطلق جواز تتبعها وقد يحمل كلامه على ما إذا تتبعها على وجه لا يصل إلى الانحلال المذكور وقول ابن الحاجب كالآمدي من عمل في مسألة بقول إمام ليس له العمل فيها بقول غيره اتفاقا إن أراد به اتفاق الأصوليين فلا يقضي على اتفاق الفقهاء والكلام فيه وإلا فهو مردود ومفروض فيما لو بقي من آثار العمل الأول ما يستلزم تركب حقيقة لا يقول بها كل من الإمامين كتقليد الإمام الشافعي في مسح بعض الرأس والإمام مالك في طهارة الكلب في صلاة واحدة فعلم أنه إنما يمتنع تقليد الغير في تلك الواقعة نفسها لا مثلها كأن أفتى ببيونة زوجته بنحو تعليق فنكح أختها ثم أفتى بأن لا بينونة ليس له الرجوع للأولى بغير إبانتها وكان أخذ بشفعة جوار تقييدا للحنفي ثم استحقت عليه فيمتنع تقليده الشافعي في تركها لأن كلا من الإمامين لا يقول به فلو اشترى بعده عقارا وقلد الإمام الشافعي في عدم القول بشفعة الجوار لم يمنعه ما تقدم من تقليده في ذلك فله الامتناع في تسليم العقار الثاني وإن قال الآمدي وابن الحاجب ومن على قدمها كالمحلى بالمنع في هذا وعمومه في جميع صور ما وقع العمل به أولا فهو ممنوع وزعم الاتفاق عليه باطل ، وحكى لزركشي أن القاضي أبا الطيب أقيمت صلاة الجمعة فهم بالتكبير فذرق عليه طير فقال أنا حنبلي فأحرم ولم يمنعه عمله بمذهبه من تقليد المخالف عند الحاجة وممن جرى على ذلك السبكي فقال : المنتقل من مذهب لآخر له أحوال : الأول أن يعتقد رحجان مذهب الغير فيجوز عمله به اتباعا للراجح في ظنه ، الثاني أن يعتقد رجحان شئ فيجوز ، الثالث أن يقصد بتقليده الرخصة فيما يحتاجه لحاجة لحقته أو ضرورة أرهقته فيجوز ، الرابع أن يقصد مجرد الترخص فيمتنع لأنه متبع لهواه لا للدين ، الخامس أن يكثر ذلك ويجعل اتباع الرخص ديدنه فيمتنع لما ذكر ولزيادة فحشه ، السادس : أن يجتمع من ذلك حقيقة مركبة ممتنعة بالإجماع فيمتنع ، السابع أن يعمل بتقليد الأول كحنفي يدعي شفعة جوار فيأخذها بمذهب الحنفي فتستحق عليه فيريد تقليد الإمام الشافعي فيمتنع لخطئه في الأولى أو الثانية وهو شخص واحد مكلف.

قال : وكلام الآمدي وابن حجاب مترل عليه ، وسئل البلقيني عن التقليد في المسألة السريجية فقال : أنا لا أفتي بصحة الدور لكن إذا قلد من قال بعدم وقوع الطلاق كفى ولا يؤاخذه الله سبحانه وتعالى لأن الفروع الاجتهادية لا يعاقب عليها أي مع التقليد وهو ذهاب منه إلى جواز تقليد المرجوح وتتبعه ، قال بعضهم : ومحل ما مر من منع تتبع الرخص إذا لم يقصد به مصلحة دينية وإلا فلا منع كبيع مال الغائب فإن السبكي أفتى بأن الأولى تقليد الشافعي فيه لاحتياج الناس غالبا في نحو مأكول ومشروب إليه والأمر إذا ضاق اتسع وعدم تكرير الفدية بتكرر المحرم اللبس فالأولى تقليد الشافعي لمالك فيه كما أفتى به الأبشيطي وذهب الحنفية إلى منع الانتقال مطلقا قال في فتح القدير : المنتقل من مذهب لمذهب باجتهاد وبرهان آثم عليه التعزير وبدونهما أولى ثم حقيقة الانتقال إنما تتحقق في حكم مسألة خاصة قلد فيها وعمل بها وإلا فقوله قلدت أبا حنيفة فيما أفتى به من المسائل أو التزمت العمل به على الإجمال وهو لا يعرف صورها ليس حقيقة التقليد بل وعد به أو تعليق له كأنه التزم العمل بقوله فيما يقع له فإذا أراد بهذا الالتزام فلا دليل على وجوب اتباع المجتهد بإلزامه نفسه بذلك قولا أو نية شرعا بل الدليل اقتضى العمل بقول المجتهد فيما يحتاجه بقوله عالى * (فاسئلوا أهل الذكر إن كنتم لا تعلمون) * والمسؤول عنه إنما يتحقق عند وقوع الحادثة قال والغالب أن مثل هذه الالتزامات لكف الناس عن تتبع الرخص إلا أن أخذ العامي في كل مسألة بقول مجتهد أخف عليه ولا يدري ما يمنع هذا من النقل والعقل انتهى

Finally, as for the claim ‘majority of the scholars say it is not compulsory to follow one particular madhhab’, the responsibility is upon the one who made the claim to substantiate it with proof. Merely quoting four, five scholars cannot compare to the multitude of scholars throughout the centuries who have exhorted the laymen to hold firmly to one Madhhab. We pray that Allah Ta’ala show us the truth as the truth and bless us with following it and save us form following our whims and desires.

And Allah knows best

Wassalam

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